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Applicant or Patentee:

Mark Ortiz and Paul A. Spence

Attorney's Docket No. Serial or Patent No.:

SPEN-08 Unknown

Filed or Issued:

Herewith

the specification filed herewith

For:

IMPLANTABLE HEART ASSIST DEVICES AND

METHODS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **Implantable Heart Assist Devices and Methods** described in:

	[]	application serial no	, filed	, issued	_·
contrac person person	ct or la who co had m	signed, granted, conveye w to assign, grant, conve ould not be classified as an nade the invention, or to a tern under 37 CFR 1.9(d) o	ey or license, any r independent invent any concern which	ights in the invention to or under 37 CFR 1.9(c) i would not qualify as a	o any f that small
license	d or ar	concern or organization to munder an obligation und ghts in the invention is list	der contract or law		
	[X]	no such person, concern,	or organization		
	[]	persons, concerns or orga	nizations listed belo	ow*	
or orga CFR 1.	nization	: Separate verified statements in having rights to the inven	•	•	
FULL N	IAME:				
ADDR	ESS:	[] INDIVIDUAL [] SMALL	BUSINESS CONCERN	I [] NONPROFIT ORGANIZA	

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of sole or first inventor if any (given name, family na	•	
Inventor's signature	Mark Octy	Date
Address of Inventor	1145 Glen Echo Lane,	Milford, Ohio 45150
Name of second inventor	D 14 0	
(given name, family name)	Paul A. Spence	
Inventor's signature	Paulaus	Date_fue blow
Address of Inventor	5818 Orion Drive L	ouisville Kentucky 40222



DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLANTABLE HEART ASSIST DEVICES AND METHODS

the specification of which (check one below):

(XX)	is attached hereto.	
()	Express Mail No	as Application Serial No,, Serial No. not yet known, and was (if applicable).
()	Article 19 on	as PCT International , and as amended under PCT any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

		·	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
(Number)	(Country)	Day/Month/Year Filed	() Yes () No
			() Yes () No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned

I hereby appoint John D. Poffenberger (R. No. 20,245), Bruce Tittel 22,324), Donald F. Frei (R. No. 21,190), David J. Josephic (R. No. 22,849), A. Ralph Navaro, Jr. (R. No. 23,050), David S. Stallard (R. No. 25,930), J. Robert Chambers (R. No. 25,448), Gregory J. Lunn (R. No. 29,945), Kurt L. Grossman (R. No. 29,799), Clement H. Luken, Jr. (R. No. 32,742), Thomas J. Burger (R. No. 32,662), Gregory F. Ahrens (R. No. 32,957), Wayne L. Jacobs (R. No. 35,553), Kurt A. Summe (R. No. 36,023), Kevin G. Rooney (R. No. 36,330), Keith R. Haupt (R. No. 37,638), Theodore R. Remaklus (R. No. 38,754), Thomas W. Humphrey (R. No. 34,353), Joseph R. Jordan (R. No. 25,686), C. Richard Eby (R. No. 25,854), David E. Pritchard (R. No. 38,273), David H. Brinkman (R. No. 40,532), J. Dwight Poffenberger, Jr. (R. No. 35,324), Beverly A. Lyman, Ph.D. (R. No. 41,961), A. Ralph Navaro III (R. No. 46,207), Scott A Stinebruner (R. No. 38,323), Kristi L. Davidson (R. No. 44,643), P. Andrew Blatt, Ph.D. (R. No. 44,540), and David E. Franklin (R. No. 39,194), and of counsel, Herbert C. Brinkman (R. No. 16,955), all of Wood, Herron & Evans, L.L.P. 2700 Carew Tower, Cincinnati, Ohio 45202,

telephone no. 513-241-2324, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence and telephone calls to Kevin G. Rooney at Wood, Herron & Evans, L.L.P., 2700 Carew Tower, Cincinnati, Ohio, 45202 at telephone number (513) 241-2324.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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